

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

IN RE: POLYURETHANE FOAM ANTITRUST
LITIGATION

This document relates to:

Englander Southwest v. Hickory Springs et al, Nos. 3:12-pf-10012-JZ and 3:12-pf-10022-JZ; Albany Foam & Supply, Inc., 3:13-pf-10002-JZ; Bemco Sleep Products, Inc. v. Hickory Springs et al, No., No. 3:13-pf-10001-JZ; Grand Rapids Bedding Co. v. Hickory Springs et al, Nos., 3:12-pf-10011-JZ and 3:12-pf-10024-JZ; Jeffco Fibres, Inc. v. Hickory Springs et al, Nos., 1:12-pf-10003-JZ and 3:12-pf-10023-JZ; Kolcraft Enterprises Inc. v. Hickory Springs et al, No., 3:13-pf-10000-JZ; Simple Designs Manufacturing, Inc. et al, No., 3:13-pf-10003-JZ; and Spring Air Mattress Corp. v Hickory Springs et al, No., 1:12-pf-10026-JZ

MDL Docket No. 2196

Index No. 10-MD-2196 (JZ)

Hon. Jack Zouhary

**ORDER OF DISMISSAL, WITH PREJUDICE, OF THE ENGLANDER, ALBANY
FOAM, BEMCO SLEEP, GRAND RAPIDS BEDDING, JEFFCO, KOLCRAFT, SIMPLE
DESIGNS, AND SPRING AIR MATTRESS CORP. PLAINTIFFS' CLAIMS AGAINST
THE VITAFOAM DEFENDANTS**

This cause is before the Court pursuant to Rule 41, Fed.R.Civ.P., on the Stipulation of Plaintiffs Fraenkel Company d/b/a Englander South Central; Illinois Sleep Products d/b/a Englander Midwest; Medi-Pedic Bedding Co., Inc., d/b/a Englander Southwest; Sleep Inc. d/b/a Englander Northeast; Tualatin Sleep Products, Inc. d/b/a Englander Northwest; White Cross Sleep Products, Inc. d/b/a Englander Mid-Atlantic; Advanced Sleep Products d/b/a Englander Southeast; Albany Foam & Supply Inc.; Bemco Sleep Products, Inc.; Grand Rapids Bedding Co.; Jeffco Fibres Inc.; Kolcraft Enterprises, Inc.; Simple Designs Manufacturing, Inc.; and Spring Air Mattress Corp. d/b/a Spring Air Greensboro (individually and collectively the "Plaintiffs") and Defendants Vitafoam, Inc., Vitafoam Products Canada Limited, and British Vita Unlimited (individually and collectively the "Vitafoam Defendants") to dismiss, with

prejudice, the Plaintiffs' claims against Vitafoam Defendants in the above-captioned case with each side bearing its own attorneys' fees and costs.

The Court has considered the Stipulation, the record in the case, and being otherwise advised, it is: Ordered and Adjudged that the Stipulation for the dismissal, with prejudice, of the Plaintiffs' claims against the Vitafoam Defendants in the above-captioned cases with each side bearing its own attorneys' fees and costs be and the same is Accepted.

Accordingly, it is: Ordered and Adjudged that the claims in the above-captioned cases of Plaintiffs Fraenkel Company d/b/a Englander South Central; Illinois Sleep Products d/b/a Englander Midwest; Medi-Pedic Bedding Co., Inc., d/b/a Englander Southwest; Sleep Inc. d/b/a Englander Northeast; Tualatin Sleep Products, Inc. d/b/a Englander Northwest; White Cross Sleep Products, Inc. d/b/a Englander Mid-Atlantic; Advanced Sleep Products d/b/a Englander Southeast; Albany Foam & Supply Inc.; Bemco Sleep Products, Inc.; Grand Rapids Bedding Co.; Jeffco Fibres Inc.; Kolcraft Enterprises, Inc.; Simple Designs Manufacturing, Inc.; and Spring Air Mattress Corp. d/b/a Spring Air Greensboro against Defendants Vitafoam, Inc., Vitafoam Products Canada Limited, and British Vita Unlimited be and the same are dismissed, with prejudice, with each side bearing its own attorneys' fees and costs.

The Court retains jurisdiction of this matter for purposes of enforcing the settlement between the Plaintiffs and the Vitafoam Defendants. This Order of dismissal, with prejudice, is without prejudice to the Plaintiffs' claims against any other Defendants or co-conspirators in the above-captioned case.

Done and Ordered in Chambers in Toledo, Ohio this 29 day of August, 2013.

s/Jack Zouhary
United States District Judge

cc: Counsel of Record